



State of Ohio Environmental Protection Agency

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June 2, 2009

Hand Delivered and by Mail

Mr. John Peshek
c/o B-Vest Properties
154 Olive Street
Elyria, OH 44035

US EPA RECORDS CENTER REGION 5



Dear Mr. Peshek:

The purpose of this letter is to provide you with comments to the proposal for site assessment and remediation of the former General Industries site ("the site"), provided to Ohio EPA by your consultant on May 26, 2009. Both Ohio EPA and U.S. EPA had been anticipating a more detailed work plan and schedule, the requirements of which had been conveyed to you by U.S. EPA in its March 27, 2009 general notice letter and most recently, at a May 11, 2009 site meeting attended by you and your consultants, U.S. EPA and Ohio EPA.

Due to the lack of detail on your proposal, our comments cannot be construed as all-inclusive. In general, we find this document to be deficient, and if implemented as written, would result in violations of both State and federal air and water regulations, along with potential violations of hazardous waste regulations. In addition, based on our initial review of the scope of asbestos abatement activities as you have described them, it appears that your consultants, Jack Vasi and Robert Walter, lack the required Ohio Department of Health (ODH) certification to design and oversee those activities at the site. The Ohio Administrative Code (OAC) Chapter 3701-34-01 (G) defines an "Asbestos hazard abatement project designer" as the "...person responsible for the oversight of asbestos hazard abatement activities or determination of the work scope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents. This level of work activity requires certifications not currently held by either consultant, according to the ODH certification database.

Division of Air Pollution Control (DAPC) comments:

1. As we have conveyed on a number of occasions, in both correspondence and in meetings, Ohio EPA has determined that all debris at the site is categorized as "asbestos-containing waste material (ACWM)." In order to eliminate any materials as ACWM, a thorough sampling and decontamination protocol must be developed and employed.

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2. Bricks and other materials such as steel, which are intended for reuse must be decontaminated (not simply washed), and there must be an approved post-decontamination sampling protocol developed, prior to making a determination that the material is no longer ACWM.
3. The proposal to crush brick on-site would require, at a minimum, that the material was designated by Ohio EPA as no longer ACWM and as "construction demolition and debris material (CD&D)." In addition, a DAPC air permit application would be required prior to installation and operation of any such device at the site.
4. The notification requirements of OAC 3745-20-03 must be met prior to initiating any asbestos-related activities at the site, in addition to fulfilling the requirements for OAC 3745-20-05 (B)(1), which require dust suppression measures to be in place and operating to ensure no visible releases from the site.

Division of Hazardous Waste Management (DHWM):

1. General Comment: The plan should be revised to include the comments Ohio EPA sent to Mr. Peshek and Mr. Vasi on May 8, 2009.
2. Section B. Responsibility for Site As the current owner, B-Vest Properties Incorporated needs to ensure that the wastes are removed in a lawful manner. Any arrangements with other parties is immaterial.
3. Section C2. Hazardous Materials-Not Asbestos This section discusses the characterization of bulk chemicals at the site. Specifically it states: "Samples from allegedly same streams will be composited for the purposed of qualitative analysis." Since many of the drums do not have markings and no one can say with any certainty that any of the containers that do have labels actually indicate the contents of the container. B-Vest must be prepared to support the allegation with documentation.
4. Section C2. Hazardous Materials-Not Asbestos The section also states that the materials will be characterized with chemical analysis. . Should any of the materials be determined to be a discarded commercial chemical product, off-specification species, container residues or spill residues thereof, B-Vest must determine if the waste is a U or P-listed waste.
5. Section D. Applicable Regulations The state regulations should be cited. Ohio Administrative Code (OAC) rules 3745-51 through 279 (as applicable).

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6. Section D. Applicable Regulations. In addition, this section states that no wash water will be released to the drain, the ground, or to adjacent surface waters without first being tested for asbestos contamination. As stated in Ohio EPA's May 8, 2009 letter, you cannot dump any of the material found in these containers on the ground or into the sewer system even if you believe it only contains rainwater. You will need to do analytical testing prior to removing any of the containers from the site so that the material in them can be managed appropriately. As discussed with you in early correspondence, the material would need to be analyzed to determine whether or not the material should be managed as a hazardous waste. This would include any wash water.
7. Section F9. Processing Brick. As previously discussed with Mr. Peshek, the facility must make a demonstration that the brick waste is not a hazardous waste due to the presence of heavy metals from the paint on them or from other sources before any "processing of the brick" can be commenced. If the material is a hazardous waste, then the plan must proceed in a manner that addresses the treatment of a hazardous waste.
8. Section F10. Processing Steel. The final disposition of the steel should be discussed, e.g. will it be sent off for recycling as scrap metal?
9. The plan should contemplate contingencies should other materials be found during the clean-up.

Division of Surface Water (DSW) comments:

1. The document states that wash water will be filtered, re-used, and finally filtered and discharged to a storm drain. To reiterate to the General Industries owners and consultants: The release of any wash water, even after treatment, to a storm drain without an NPDES permit is a violation of Ohio Revised Code (ORC) 6111.
2. In order to obtain an NPDES permit, the owner would need to prepare an application and fulfill the requirements of the anti-degradation process (4-8 months). This would not guarantee that Ohio EPA would authorize the discharge. Other options would have to be evaluated. That would include sending it to the sanitary sewer with approval or capture and haul to a treatment facility.
3. Since the site is over one acre in size, it would need a storm water permit. However, the permit would only authorize discharge from uncontaminated areas. It would require a pollution prevention plan to identify how storm water is managed on the site.

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To reiterate, these comments are not all-inclusive. If a detailed work plan is developed, additional comments from Ohio EPA would follow a review of that document. This letter should not be construed as an approval for activities delineated in the May 26 submittal of your consultant.

We will continue to provide technical assistance to you and your consultants as requested, and we continue to coordinate with U.S. EPA with the goal of developing a site-wide assessment and remediation strategy that can be implemented as quickly as possible.

If you have any questions concerning this letter, please feel free to contact the undersigned at (330) 963-1230.

Sincerely,



Bob Princic
Environmental Supervisor
Division of Air Pollution Control

BP:bo

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